

PUBLIC NOTICE: 38-07

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER
ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON
THESE PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS ASSESSING
CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY ISSUE
SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II
PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THESE
PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S
“CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE
ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR
SUSPENSION OF PERMITS”, 40 CODE OF FEDERAL REGULATIONS PART 22.
THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN
COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A
CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT
MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES.
THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I
ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS
PUBLIC NOTICE.**

**ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING
CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER
OF ADVANCE BIOFACTURES CORPORATION, 35 WILBUR STREET, LYNBROOK,
NEW YORK 11563-2358 THE OWNER AND/OR OPERATOR OF THE
MANUFACTURING FACILITY LOCATED AT 35 WILBUR STREET, LYNBROOK,
NEW YORK 11563-2358, DOCKET NO. CWA-02-2007-3319; FILED ON MARCH 27,
2007 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION 2,
290 BROADWAY, 17 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3110;
PROPOSED PENALTY: \$20,000.00, FOR FAILURE TO COMPLY WITH
MONITORING AND REPORTING REQUIREMENTS AS REQUIRED BY THE
GENERAL AND CATEGORICAL PRETREATMENT STANDARDS.**

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THESE COMPLAINTS OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THESE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.

**DATED: APRIL 10, 2007 DORE LAPOSTA, DIRECTOR
DIVISION OF ENFORCEMENT AND
COMPLIANCE ASSISTANCE**